

AMENDED IN ASSEMBLY AUGUST 30, 2005

AMENDED IN ASSEMBLY AUGUST 15, 2005

AMENDED IN ASSEMBLY JULY 7, 2005

AMENDED IN SENATE APRIL 26, 2005

AMENDED IN SENATE MARCH 30, 2005

SENATE BILL

No. 584

**Introduced by Senator Soto
(Coauthor: Senator Dutton)**

(Coauthors: Assembly Members Benoit, Bermudez, and Spitzer)

February 18, 2005

An act to amend Section 602 of the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 584, as amended, Soto. Trespass.

Existing law makes it unlawful for persons to engage in certain acts of trespass and punishes most trespasses by a fine not exceeding \$1,000, imprisonment in a county jail for a period not exceeding 6 months, or by both that fine and imprisonment.

This bill would make it a trespass to enter or reenter a courthouse or a city, county, city and county, or state building after intentionally avoiding submission to the screening and inspection of one's person and accessible property in accordance with the procedures being applied to control access if the building's entrances have been posted so as to give reasonable notice that prosecution may result from that act.

By creating a new crime, this bill would impose a state-mandated local program.

This bill would incorporate additional changes to Section 602 of the Penal Code proposed by SB 735 and AB 280, to be operative if this bill and one or both of the other bills are enacted and become effective on or before January 1, 2006, and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 602 of the Penal Code is amended to
2 read:
3 602. Except as provided in paragraph (2) of subdivision (v),
4 subdivision (x), and Section 602.8, every person who willfully
5 commits a trespass by any of the following acts is guilty of a
6 misdemeanor:
7 (a) Cutting down, destroying, or injuring any kind of wood or
8 timber standing or growing upon the lands of another.
9 (b) Carrying away any kind of wood or timber lying on those
10 lands.
11 (c) Maliciously injuring or severing from the freehold of
12 another anything attached to it, or its produce.
13 (d) Digging, taking, or carrying away from any lot situated
14 within the limits of any incorporated city, without the license of
15 the owner or legal occupant, any earth, soil, or stone.
16 (e) Digging, taking, or carrying away from land in any city or
17 town laid down on the map or plan of the city, or otherwise
18 recognized or established as a street, alley, avenue, or park,
19 without the license of the proper authorities, any earth, soil, or
20 stone.
21 (f) Maliciously tearing down, damaging, mutilating, or
22 destroying any sign, signboard, or notice placed upon, or affixed
23 to, any property belonging to the state, or to any city, county, city
24 and county, town or village, or upon any property of any person,
25 by the state or by an automobile association, which sign,

1 signboard or notice is intended to indicate or designate a road, or
2 a highway, or is intended to direct travelers from one point to
3 another, or relates to fires, fire control, or any other matter
4 involving the protection of the property, or putting up, affixing,
5 fastening, printing, or painting upon any property belonging to
6 the state, or to any city, county, town, or village, or dedicated to
7 the public, or upon any property of any person, without license
8 from the owner, any notice, advertisement, or designation of, or
9 any name for any commodity, whether for sale or otherwise, or
10 any picture, sign, or device intended to call attention to it.

11 (g) Entering upon any lands owned by any other person
12 whereon oysters or other shellfish are planted or growing; or
13 injuring, gathering, or carrying away any oysters or other
14 shellfish planted, growing, or on any of those lands, whether
15 covered by water or not, without the license of the owner or legal
16 occupant; or damaging, destroying, or removing, or causing to be
17 removed, damaged, or destroyed, any stakes, marks, fences, or
18 signs intended to designate the boundaries and limits of any of
19 those lands.

20 (h) (1) Entering upon lands or buildings owned by any other
21 person without the license of the owner or legal occupant, where
22 signs forbidding trespass are displayed, and whereon cattle,
23 goats, pigs, sheep, fowl, or any other animal is being raised, bred,
24 fed, or held for the purpose of food for human consumption; or
25 injuring, gathering, or carrying away any animal being housed on
26 any of those lands, without the license of the owner or legal
27 occupant; or damaging, destroying, or removing, or causing to be
28 removed, damaged, or destroyed, any stakes, marks, fences, or
29 signs intended to designate the boundaries and limits of any of
30 those lands.

31 (2) In order for there to be a violation of this subdivision, the
32 trespass signs under paragraph (1) must be displayed at intervals
33 not less than three per mile along all exterior boundaries and at
34 all roads and trails entering the land.

35 (3) This subdivision shall not be construed to preclude
36 prosecution or punishment under any other provision of law,
37 including, but not limited to, grand theft or any provision that
38 provides for a greater penalty or longer term of imprisonment.

39 (i) Willfully opening, tearing down, or otherwise destroying
40 any fence on the enclosed land of another, or opening any gate,

1 bar, or fence of another and willfully leaving it open without the
2 written permission of the owner, or maliciously tearing down,
3 mutilating, or destroying any sign, signboard, or other notice
4 forbidding shooting on private property.

5 (j) Building fires upon any lands owned by another where
6 signs forbidding trespass are displayed at intervals not greater
7 than one mile along the exterior boundaries and at all roads and
8 trails entering the lands, without first having obtained written
9 permission from the owner of the lands or the owner's agent, or
10 the person in lawful possession.

11 (k) Entering any lands, whether unenclosed or enclosed by
12 fence, for the purpose of injuring any property or property rights
13 or with the intention of interfering with, obstructing, or injuring
14 any lawful business or occupation carried on by the owner of the
15 land, the owner's agent or by the person in lawful possession.

16 (l) Entering any lands under cultivation or enclosed by fence,
17 belonging to, or occupied by, another, or entering upon
18 uncultivated or unenclosed lands where signs forbidding trespass
19 are displayed at intervals not less than three to the mile along all
20 exterior boundaries and at all roads and trails entering the lands
21 without the written permission of the owner of the land, the
22 owner's agent or of the person in lawful possession, and

23 (1) Refusing or failing to leave the lands immediately upon
24 being requested by the owner of the land, the owner's agent or by
25 the person in lawful possession to leave the lands, or

26 (2) Tearing down, mutilating, or destroying any sign,
27 signboard, or notice forbidding trespass or hunting on the lands,
28 or

29 (3) Removing, injuring, unlocking, or tampering with any lock
30 on any gate on or leading into the lands, or

31 (4) Discharging any firearm.

32 (m) Entering and occupying real property or structures of any
33 kind without the consent of the owner, the owner's agent, or the
34 person in lawful possession.

35 (n) Driving any vehicle, as defined in Section 670 of the
36 Vehicle Code, upon real property belonging to, or lawfully
37 occupied by, another and known not to be open to the general
38 public, without the consent of the owner, the owner's agent, or
39 the person in lawful possession. This subdivision shall not apply
40 to any person described in Section 22350 of the Business and

1 Professions Code who is making a lawful service of process,
2 provided that upon exiting the vehicle, the person proceeds
3 immediately to attempt the service of process, and leaves
4 immediately upon completing the service of process or upon the
5 request of the owner, the owner's agent, or the person in lawful
6 possession.

7 (o) Refusing or failing to leave land, real property, or
8 structures belonging to or lawfully occupied by another and not
9 open to the general public, upon being requested to leave by (1) a
10 peace officer at the request of the owner, the owner's agent, or
11 the person in lawful possession, and upon being informed by the
12 peace officer that he or she is acting at the request of the owner,
13 the owner's agent, or the person in lawful possession, or (2) the
14 owner, the owner's agent, or the person in lawful possession. The
15 owner, the owner's agent, or the person in lawful possession
16 shall make a separate request to the peace officer on each
17 occasion when the peace officer's assistance in dealing with a
18 trespass is requested. However, a single request for a peace
19 officer's assistance may be made to cover a limited period of
20 time not to exceed 30 days and identified by specific dates,
21 during which there is a fire hazard or the owner, owner's agent or
22 person in lawful possession is absent from the premises or
23 property. In addition, a single request for a peace officer's
24 assistance may be made for a period not to exceed six months
25 when the premises or property is closed to the public and posted
26 as being closed. However, this subdivision shall not be applicable
27 to persons engaged in lawful labor union activities which are
28 permitted to be carried out on the property by the California
29 Agricultural Labor Relations Act, Part 3.5 (commencing with
30 Section 1140) of Division 2 of the Labor Code, or by the
31 National Labor Relations Act. For purposes of this section, land,
32 real property, or structures owned or operated by any housing
33 authority for tenants as defined under Section 34213.5 of the
34 Health and Safety Code constitutes property not open to the
35 general public; however, this subdivision shall not apply to
36 persons on the premises who are engaging in activities protected
37 by the California or United States Constitution, or to persons who
38 are on the premises at the request of a resident or management
39 and who are not loitering or otherwise suspected of violating or
40 actually violating any law or ordinance.

1 (p) Entering upon any lands declared closed to entry as
2 provided in Section 4256 of the Public Resources Code, if the
3 closed areas shall have been posted with notices declaring the
4 closure, at intervals not greater than one mile along the exterior
5 boundaries or along roads and trails passing through the lands.

6 (q) Refusing or failing to leave a public building of a public
7 agency during those hours of the day or night when the building
8 is regularly closed to the public upon being requested to do so by
9 a regularly employed guard, watchman, or custodian of the
10 public agency owning or maintaining the building or property, if
11 the surrounding circumstances would indicate to a reasonable
12 person that the person has no apparent lawful business to pursue.

13 (r) Knowingly skiing in an area or on a ski trail which is
14 closed to the public and which has signs posted indicating the
15 closure.

16 (s) Refusing or failing to leave a hotel or motel, where he or
17 she has obtained accommodations and has refused to pay for
18 those accommodations, upon request of the proprietor or
19 manager, and the occupancy is exempt, pursuant to subdivision
20 (b) of Section 1940 of the Civil Code, from Chapter 2
21 (commencing with Section 1940) of Title 5 of Part 4 of Division
22 3 of the Civil Code. For purposes of this subdivision, occupancy
23 at a hotel or motel for a continuous period of 30 days or less
24 shall, in the absence of a written agreement to the contrary, or
25 other written evidence of a periodic tenancy of indefinite
26 duration, be exempt from Chapter 2 (commencing with Section
27 1940) of Title 5 of Part 4 of Division 3 of the Civil Code.

28 (t) Entering upon private property, including contiguous land,
29 real property, or structures thereon belonging to the same owner,
30 whether or not generally open to the public, after having been
31 informed by a peace officer at the request of the owner, the
32 owner's agent, or the person in lawful possession, and upon
33 being informed by the peace officer that he or she is acting at the
34 request of the owner, the owner's agent, or the person in lawful
35 possession, that the property is not open to the particular person;
36 or refusing or failing to leave the property upon being asked to
37 leave the property in the manner provided in this subdivision.

38 This subdivision shall apply only to a person who has been
39 convicted of a violent felony, as specified in subdivision (c) of
40 Section 667.5, committed upon the particular private property. A

1 single notification or request to the person as set forth above shall
2 be valid and enforceable under this subdivision unless and until
3 rescinded by the owner, the owner's agent, or the person in
4 lawful possession of the property.

5 (u) (1) Knowingly entering, by an unauthorized person, upon
6 any airport operations area if the area has been posted with
7 notices restricting access to authorized personnel only and the
8 postings occur not greater than every 150 feet along the exterior
9 boundary.

10 (2) Any person convicted of a violation of paragraph (1) shall
11 be punished as follows:

12 (A) By a fine not exceeding one hundred dollars (\$100).

13 (B) By imprisonment in the county jail not exceeding six
14 months, or by a fine not exceeding one thousand dollars (\$1,000),
15 or both, if the person refuses to leave the airport operations area
16 after being requested to leave by a peace officer or authorized
17 personnel.

18 (C) By imprisonment in the county jail not exceeding six
19 months, or by a fine not exceeding one thousand dollars (\$1,000),
20 or both, for a second or subsequent offense.

21 (3) As used in this subdivision the following definitions shall
22 control:

23 (A) "Airport operations area" means that part of the airport
24 used by aircraft for landing, taking off, surface maneuvering,
25 loading and unloading, refueling, parking, or maintenance, where
26 aircraft support vehicles and facilities exist, and which is not for
27 public use or public vehicular traffic.

28 (B) "Authorized personnel" means any person who has a valid
29 airport identification card issued by the airport operator or has a
30 valid airline identification card recognized by the airport
31 operator, or any person not in possession of an airport or airline
32 identification card who is being escorted for legitimate purposes
33 by a person with an airport or airline identification card.

34 (C) "Airport" means any facility whose function is to support
35 commercial aviation.

36 (v) (1) Except as permitted by federal law, intentionally
37 avoiding submission to the screening and inspection of one's
38 person and accessible property in accordance with the procedures
39 being applied to control access when entering or reentering a
40 sterile area of an airport, as defined in Section 171.5.

(2) A violation of this subdivision that is responsible for the evacuation of an airport terminal and is responsible in any part for delays or cancellations of scheduled flights is punishable by imprisonment of not more than one year in a county jail if the sterile area is posted with a statement providing reasonable notice that prosecution may result from a trespass described in this subdivision.

(w) Refusing or failing to leave a battered women's shelter at any time after being requested to leave by a managing authority of the shelter.

(1) A person who is convicted of violating this subdivision shall be punished by imprisonment in a county jail for not more than one year.

(2) The court may order a defendant who is convicted of violating this subdivision to make restitution to a battered woman in an amount equal to the relocation expenses of the battered woman and her children if those expenses are incurred as a result of trespass by the defendant at a battered women's shelter.

(x) (1) Knowingly entering or remaining in a neonatal unit, maternity ward, or birthing center located in a hospital or clinic without lawful business to pursue therein, if the area has been posted so as to give reasonable notice restricting access to those with lawful business to pursue therein and the surrounding circumstances would indicate to a reasonable person that he or she has no lawful business to pursue therein. Reasonable notice is that which would give actual notice to a reasonable person, and is posted, at a minimum, at each entrance into the area.

(2) Any person convicted of a violation of paragraph (1) shall be punished as follows:

(A) As an infraction, by a fine not exceeding one hundred dollars (\$100).

(B) By imprisonment in a county jail not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or both, if the person refuses to leave the posted area after being requested to leave by a peace officer or other authorized person.

(C) By imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars (\$2,000), or both, for a second or subsequent offense.

(D) If probation is granted or the execution or imposition of sentencing is suspended for any person convicted under this

1 subdivision, it shall be a condition of probation that the person
2 participate in counseling, as designated by the court, unless the
3 court finds good cause not to impose this requirement. The court
4 shall require the person to pay for this counseling, if ordered,
5 unless good cause not to pay is shown.

6 (y) Except as permitted by federal law, intentionally avoiding
7 submission to the screening and inspection of one's person and
8 accessible property in accordance with the procedures being
9 applied to control access when entering or reentering a
10 courthouse or a city, county, city and county, or state building if
11 entrances to the courthouse or the city, county, city and county,
12 or state building have been posted with a statement providing
13 reasonable notice that prosecution may result from a trespass
14 described in this subdivision.

15 *SEC. 2. Section 602 of the Penal Code is amended to read:*

16 602. Except as provided in paragraph (2) of subdivision (v),
17 subdivision (x), and Section 602.8, every person who willfully
18 commits a trespass by any of the following acts is guilty of a
19 misdemeanor:

20 (a) Cutting down, destroying, or injuring any kind of wood or
21 timber standing or growing upon the lands of another.

22 (b) Carrying away any kind of wood or timber lying on those
23 lands.

24 (c) Maliciously injuring or severing from the freehold of
25 another anything attached to it, or its produce.

26 (d) Digging, taking, or carrying away from any lot situated
27 within the limits of any incorporated city, without the license of
28 the owner or legal occupant, any earth, soil, or stone.

29 (e) Digging, taking, or carrying away from land in any city or
30 town laid down on the map or plan of the city, or otherwise
31 recognized or established as a street, alley, avenue, or park,
32 without the license of the proper authorities, any earth, soil, or
33 stone.

34 (f) Maliciously tearing down, damaging, mutilating, or
35 destroying any sign, signboard, or notice placed upon, or affixed
36 to, any property belonging to the state, or to any city, county, city
37 and county, town or village, or upon any property of any person,
38 by the state or by an automobile association, which sign,
39 signboard or notice is intended to indicate or designate a road, or
40 a highway, or is intended to direct travelers from one point to

1 another, or relates to fires, fire control, or any other matter
2 involving the protection of the property, or putting up, affixing,
3 fastening, printing, or painting upon any property belonging to
4 the state, or to any city, county, town, or village, or dedicated to
5 the public, or upon any property of any person, without license
6 from the owner, any notice, advertisement, or designation of, or
7 any name for any commodity, whether for sale or otherwise, or
8 any picture, sign, or device intended to call attention to it.

9 (g) Entering upon any lands owned by any other person
10 whereon oysters or other shellfish are planted or growing; or
11 injuring, gathering, or carrying away any oysters or other
12 shellfish planted, growing, or on any of those lands, whether
13 covered by water or not, without the license of the owner or legal
14 occupant; or damaging, destroying, or removing, or causing to be
15 removed, damaged, or destroyed, any stakes, marks, fences, or
16 signs intended to designate the boundaries and limits of any of
17 those lands.

18 (h) (1) Entering upon lands or buildings owned by any other
19 person without the license of the owner or legal occupant, where
20 signs forbidding trespass are displayed, and whereon cattle,
21 goats, pigs, sheep, fowl, or any other animal is being raised, bred,
22 fed, or held for the purpose of food for human consumption; or
23 injuring, gathering, or carrying away any animal being housed on
24 any of those lands, without the license of the owner or legal
25 occupant; or damaging, destroying, or removing, or causing to be
26 removed, damaged, or destroyed, any stakes, marks, fences, or
27 signs intended to designate the boundaries and limits of any of
28 those lands.

29 (2) In order for there to be a violation of this subdivision, the
30 trespass signs under paragraph (1) must be displayed at intervals
31 not less than three per mile along all exterior boundaries and at
32 all roads and trails entering the land.

33 (3) This subdivision shall not be construed to preclude
34 prosecution or punishment under any other provision of law,
35 including, but not limited to, grand theft or any provision that
36 provides for a greater penalty or longer term of imprisonment.

37 (i) Willfully opening, tearing down, or otherwise destroying
38 any fence on the enclosed land of another, or opening any gate,
39 bar, or fence of another and willfully leaving it open without the
40 written permission of the owner, or maliciously tearing down,

1 mutilating, or destroying any sign, signboard, or other notice
2 forbidding shooting on private property.

3 (j) Building fires upon any lands owned by another where
4 signs forbidding trespass are displayed at intervals not greater
5 than one mile along the exterior boundaries and at all roads and
6 trails entering the lands, without first having obtained written
7 permission from the owner of the lands or the owner's agent, or
8 the person in lawful possession.

9 (k) Entering any lands, whether unenclosed or enclosed by
10 fence, for the purpose of injuring any property or property rights
11 or with the intention of interfering with, obstructing, or injuring
12 any lawful business or occupation carried on by the owner of the
13 land, the owner's agent or by the person in lawful possession.

14 (l) Entering any lands under cultivation or enclosed by fence,
15 belonging to, or occupied by, another, or entering upon
16 uncultivated or unenclosed lands where signs forbidding trespass
17 are displayed at intervals not less than three to the mile along all
18 exterior boundaries and at all roads and trails entering the lands
19 without the written permission of the owner of the land, the
20 owner's agent or of the person in lawful possession, and

21 (1) Refusing or failing to leave the lands immediately upon
22 being requested by the owner of the land, the owner's agent or by
23 the person in lawful possession to leave the lands, or

24 (2) Tearing down, mutilating, or destroying any sign,
25 signboard, or notice forbidding trespass or hunting on the lands,
26 or

27 (3) Removing, injuring, unlocking, or tampering with any lock
28 on any gate on or leading into the lands, or

29 (4) Discharging any firearm.

30 (m) Entering and occupying real property or structures of any
31 kind without the consent of the owner, the owner's agent, or the
32 person in lawful possession.

33 (n) Driving any vehicle, as defined in Section 670 of the
34 Vehicle Code, upon real property belonging to, or lawfully
35 occupied by, another and known not to be open to the general
36 public, without the consent of the owner, the owner's agent, or
37 the person in lawful possession. This subdivision shall not apply
38 to any person described in Section 22350 of the Business and
39 Professions Code who is making a lawful service of process,
40 provided that upon exiting the vehicle, the person proceeds

1 immediately to attempt the service of process, and leaves
2 immediately upon completing the service of process or upon the
3 request of the owner, the owner's agent, or the person in lawful
4 possession.

5 (o) Refusing or failing to leave land, real property, or
6 structures belonging to or lawfully occupied by another and not
7 open to the general public, upon being requested to leave by (1) a
8 peace officer at the request of the owner, the owner's agent, or
9 the person in lawful possession, and upon being informed by the
10 peace officer that he or she is acting at the request of the owner,
11 the owner's agent, or the person in lawful possession, or (2) the
12 owner, the owner's agent, or the person in lawful possession. The
13 owner, the owner's agent, or the person in lawful possession
14 shall make a separate request to the peace officer on each
15 occasion when the peace officer's assistance in dealing with a
16 trespass is requested. However, a single request for a peace
17 officer's assistance may be made to cover a limited period of
18 time not to exceed 30 days and identified by specific dates,
19 during which there is a fire hazard or the owner, owner's agent or
20 person in lawful possession is absent from the premises or
21 property. In addition, a single request for a peace officer's
22 assistance may be made for a period not to exceed six months
23 when the premises or property is closed to the public and posted
24 as being closed. However, this subdivision shall not be applicable
25 to persons engaged in lawful labor union activities which are
26 permitted to be carried out on the property by the California
27 Agricultural Labor Relations Act, Part 3.5 (commencing with
28 Section 1140) of Division 2 of the Labor Code, or by the
29 National Labor Relations Act, *or to persons entering property*
30 *pursuant to Section 1942.6 of the Civil Code*. For purposes of this
31 section, land, real property, or structures owned or operated by
32 any housing authority for tenants as defined under Section
33 34213.5 of the Health and Safety Code constitutes property not
34 open to the general public; however, this subdivision shall not
35 apply to persons on the premises who are engaging in activities
36 protected by the California or United States Constitution, or to
37 persons who are on the premises at the request of a resident or
38 management and who are not loitering or otherwise suspected of
39 violating or actually violating any law or ordinance.

1 (p) Entering upon any lands declared closed to entry as
2 provided in Section 4256 of the Public Resources Code, if the
3 closed areas shall have been posted with notices declaring the
4 closure, at intervals not greater than one mile along the exterior
5 boundaries or along roads and trails passing through the lands.

6 (q) Refusing or failing to leave a public building of a public
7 agency during those hours of the day or night when the building
8 is regularly closed to the public upon being requested to do so by
9 a regularly employed guard, watchman, or custodian of the
10 public agency owning or maintaining the building or property, if
11 the surrounding circumstances would indicate to a reasonable
12 person that the person has no apparent lawful business to pursue.

13 (r) Knowingly skiing in an area or on a ski trail which is
14 closed to the public and which has signs posted indicating the
15 closure.

16 (s) Refusing or failing to leave a hotel or motel, where he or
17 she has obtained accommodations and has refused to pay for
18 those accommodations, upon request of the proprietor or
19 manager, and the occupancy is exempt, pursuant to subdivision
20 (b) of Section 1940 of the Civil Code, from Chapter 2
21 (commencing with Section 1940) of Title 5 of Part 4 of Division
22 3 of the Civil Code. For purposes of this subdivision, occupancy
23 at a hotel or motel for a continuous period of 30 days or less
24 shall, in the absence of a written agreement to the contrary, or
25 other written evidence of a periodic tenancy of indefinite
26 duration, be exempt from Chapter 2 (commencing with Section
27 1940) of Title 5 of Part 4 of Division 3 of the Civil Code.

28 (t) Entering upon private property, including contiguous land,
29 real property, or structures thereon belonging to the same owner,
30 whether or not generally open to the public, after having been
31 informed by a peace officer at the request of the owner, the
32 owner's agent, or the person in lawful possession, and upon
33 being informed by the peace officer that he or she is acting at the
34 request of the owner, the owner's agent, or the person in lawful
35 possession, that the property is not open to the particular person;
36 or refusing or failing to leave the property upon being asked to
37 leave the property in the manner provided in this subdivision.

38 This subdivision shall apply only to a person who has been
39 convicted of a violent felony, as specified in subdivision (c) of
40 Section 667.5, committed upon the particular private property. A

1 single notification or request to the person as set forth above shall
2 be valid and enforceable under this subdivision unless and until
3 rescinded by the owner, the owner's agent, or the person in
4 lawful possession of the property.

5 (u) (1) Knowingly entering, by an unauthorized person, upon
6 any airport operations area if the area has been posted with
7 notices restricting access to authorized personnel only and the
8 postings occur not greater than every 150 feet along the exterior
9 boundary.

10 (2) Any person convicted of a violation of paragraph (1) shall
11 be punished as follows:

12 (A) By a fine not exceeding one hundred dollars (\$100).

13 (B) By imprisonment in the county jail not exceeding six
14 months, or by a fine not exceeding one thousand dollars (\$1,000),
15 or both, if the person refuses to leave the airport operations area
16 after being requested to leave by a peace officer or authorized
17 personnel.

18 (C) By imprisonment in the county jail not exceeding six
19 months, or by a fine not exceeding one thousand dollars (\$1,000),
20 or both, for a second or subsequent offense.

21 (3) As used in this subdivision the following definitions shall
22 control:

23 (A) "Airport operations area" means that part of the airport
24 used by aircraft for landing, taking off, surface maneuvering,
25 loading and unloading, refueling, parking, or maintenance, where
26 aircraft support vehicles and facilities exist, and which is not for
27 public use or public vehicular traffic.

28 (B) "Authorized personnel" means any person who has a valid
29 airport identification card issued by the airport operator or has a
30 valid airline identification card recognized by the airport
31 operator, or any person not in possession of an airport or airline
32 identification card who is being escorted for legitimate purposes
33 by a person with an airport or airline identification card.

34 (C) "Airport" means any facility whose function is to support
35 commercial aviation.

36 (v) (1) Except as permitted by federal law, intentionally
37 avoiding submission to the screening and inspection of one's
38 person and accessible property in accordance with the procedures
39 being applied to control access when entering or reentering a
40 sterile area of an airport, as defined in Section 171.5.

1 (2) A violation of this subdivision that is responsible for the
2 evacuation of an airport terminal and is responsible in any part
3 for delays or cancellations of scheduled flights is punishable by
4 imprisonment of not more than one year in a county jail if the
5 sterile area is posted with a statement providing reasonable notice
6 that prosecution may result from a trespass described in this
7 subdivision.

8 (w) Refusing or failing to leave a battered women's shelter at
9 any time after being requested to leave by a managing authority
10 of the shelter.

11 (1) A person who is convicted of violating this subdivision
12 shall be punished by imprisonment in a county jail for not more
13 than one year.

14 (2) The court may order a defendant who is convicted of
15 violating this subdivision to make restitution to a battered woman
16 in an amount equal to the relocation expenses of the battered
17 woman and her children if those expenses are incurred as a result
18 of trespass by the defendant at a battered women's shelter.

19 (x) (1) Knowingly entering or remaining in a neonatal unit,
20 maternity ward, or birthing center located in a hospital or clinic
21 without lawful business to pursue therein, if the area has been
22 posted so as to give reasonable notice restricting access to those
23 with lawful business to pursue therein and the surrounding
24 circumstances would indicate to a reasonable person that he or
25 she has no lawful business to pursue therein. Reasonable notice is
26 that which would give actual notice to a reasonable person, and is
27 posted, at a minimum, at each entrance into the area.

28 (2) Any person convicted of a violation of paragraph (1) shall
29 be punished as follows:

30 (A) As an infraction, by a fine not exceeding one hundred
31 dollars (\$100).

32 (B) By imprisonment in a county jail not exceeding one year,
33 or by a fine not exceeding one thousand dollars (\$1,000), or both,
34 if the person refuses to leave the posted area after being
35 requested to leave by a peace officer or other authorized person.

36 (C) By imprisonment in a county jail not exceeding one year,
37 or by a fine not exceeding two thousand dollars (\$2,000), or both,
38 for a second or subsequent offense.

39 (D) If probation is granted or the execution or imposition of
40 sentencing is suspended for any person convicted under this

1 subdivision, it shall be a condition of probation that the person
2 participate in counseling, as designated by the court, unless the
3 court finds good cause not to impose this requirement. The court
4 shall require the person to pay for this counseling, if ordered,
5 unless good cause not to pay is shown.

6 *(y) Except as permitted by federal law, intentionally avoiding*
7 *submission to the screening and inspection of one's person and*
8 *accessible property in accordance with the procedures being*
9 *applied to control access when entering or reentering a*
10 *courthouse or a city, county, city and county, or state building if*
11 *entrances to the courthouse or the city, county, city and county,*
12 *or state building have been posted with a statement providing*
13 *reasonable notice that prosecution may result from a trespass*
14 *described in this subdivision.*

15 SEC. 3. Section 602 of the Penal Code is amended to read:

16 602. Except as provided in paragraph (2) of subdivision (v),
17 subdivision (x), and Section 602.8, every person who willfully
18 commits a trespass by any of the following acts is guilty of a
19 misdemeanor:

20 (a) Cutting down, destroying, or injuring any kind of wood or
21 timber standing or growing upon the lands of another.

22 (b) Carrying away any kind of wood or timber lying on those
23 lands.

24 (c) Maliciously injuring or severing from the freehold of
25 another anything attached to it, or its produce.

26 (d) Digging, taking, or carrying away from any lot situated
27 within the limits of any incorporated city, without the license of
28 the owner or legal occupant, any earth, soil, or stone.

29 (e) Digging, taking, or carrying away from land in any city or
30 town laid down on the map or plan of the city, or otherwise
31 recognized or established as a street, alley, avenue, or park,
32 without the license of the proper authorities, any earth, soil, or
33 stone.

34 (f) Maliciously tearing down, damaging, mutilating, or
35 destroying any sign, signboard, or notice placed upon, or affixed
36 to, any property belonging to the state, or to any city, county, city
37 and county, town or village, or upon any property of any person,
38 by the state or by an automobile association, which sign,
39 signboard or notice is intended to indicate or designate a road, or
40 a highway, or is intended to direct travelers from one point to

1 another, or relates to fires, fire control, or any other matter
2 involving the protection of the property, or putting up, affixing,
3 fastening, printing, or painting upon any property belonging to
4 the state, or to any city, county, town, or village, or dedicated to
5 the public, or upon any property of any person, without license
6 from the owner, any notice, advertisement, or designation of, or
7 any name for any commodity, whether for sale or otherwise, or
8 any picture, sign, or device intended to call attention to it.

9 (g) Entering upon any lands owned by any other person
10 whereon oysters or other shellfish are planted or growing; or
11 injuring, gathering, or carrying away any oysters or other
12 shellfish planted, growing, or on any of those lands, whether
13 covered by water or not, without the license of the owner or legal
14 occupant; or damaging, destroying, or removing, or causing to be
15 removed, damaged, or destroyed, any stakes, marks, fences, or
16 signs intended to designate the boundaries and limits of any of
17 those lands.

18 (h) (1) Entering upon lands or buildings owned by any other
19 person without the license of the owner or legal occupant, where
20 signs forbidding trespass are displayed, and whereon cattle,
21 goats, pigs, sheep, fowl, or any other animal is being raised, bred,
22 fed, or held for the purpose of food for human consumption; or
23 injuring, gathering, or carrying away any animal being housed on
24 any of those lands, without the license of the owner or legal
25 occupant; or damaging, destroying, or removing, or causing to be
26 removed, damaged, or destroyed, any stakes, marks, fences, or
27 signs intended to designate the boundaries and limits of any of
28 those lands.

29 (2) In order for there to be a violation of this subdivision, the
30 trespass signs under paragraph (1) must be displayed at intervals
31 not less than three per mile along all exterior boundaries and at
32 all roads and trails entering the land.

33 (3) This subdivision shall not be construed to preclude
34 prosecution or punishment under any other provision of law,
35 including, but not limited to, grand theft or any provision that
36 provides for a greater penalty or longer term of imprisonment.

37 (i) Willfully opening, tearing down, or otherwise destroying
38 any fence on the enclosed land of another, or opening any gate,
39 bar, or fence of another and willfully leaving it open without the
40 written permission of the owner, or maliciously tearing down,

1 mutilating, or destroying any sign, signboard, or other notice
2 forbidding shooting on private property.

3 (j) Building fires upon any lands owned by another where
4 signs forbidding trespass are displayed at intervals not greater
5 than one mile along the exterior boundaries and at all roads and
6 trails entering the lands, without first having obtained written
7 permission from the owner of the lands or the owner's agent, or
8 the person in lawful possession.

9 (k) Entering any lands, whether unenclosed or enclosed by
10 fence, for the purpose of injuring any property or property rights
11 or with the intention of interfering with, obstructing, or injuring
12 any lawful business or occupation carried on by the owner of the
13 land, the owner's agent or by the person in lawful possession.

14 (l) Entering any lands under cultivation or enclosed by fence,
15 belonging to, or occupied by, another, or entering upon
16 uncultivated or unenclosed lands where signs forbidding trespass
17 are displayed at intervals not less than three to the mile along all
18 exterior boundaries and at all roads and trails entering the lands
19 without the written permission of the owner of the land, the
20 owner's agent or of the person in lawful possession, and

21 (1) Refusing or failing to leave the lands immediately upon
22 being requested by the owner of the land, the owner's agent or by
23 the person in lawful possession to leave the lands, or

24 (2) Tearing down, mutilating, or destroying any sign,
25 signboard, or notice forbidding trespass or hunting on the lands,
26 or

27 (3) Removing, injuring, unlocking, or tampering with any lock
28 on any gate on or leading into the lands, or

29 (4) Discharging any firearm.

30 (m) Entering and occupying real property or structures of any
31 kind without the consent of the owner, the owner's agent, or the
32 person in lawful possession.

33 (n) Driving any vehicle, as defined in Section 670 of the
34 Vehicle Code, upon real property belonging to, or lawfully
35 occupied by, another and known not to be open to the general
36 public, without the consent of the owner, the owner's agent, or
37 the person in lawful possession. This subdivision shall not apply
38 to any person described in Section 22350 of the Business and
39 Professions Code who is making a lawful service of process,
40 provided that upon exiting the vehicle, the person proceeds

1 immediately to attempt the service of process, and leaves
2 immediately upon completing the service of process or upon the
3 request of the owner, the owner's agent, or the person in lawful
4 possession.

5 (o) Refusing or failing to leave land, real property, or
6 structures belonging to or lawfully occupied by another and not
7 open to the general public, upon being requested to leave by (1) a
8 peace officer at the request of the owner, the owner's agent, or
9 the person in lawful possession, and upon being informed by the
10 peace officer that he or she is acting at the request of the owner,
11 the owner's agent, or the person in lawful possession, or (2) the
12 owner, the owner's agent, or the person in lawful possession. The
13 owner, the owner's agent, or the person in lawful possession
14 shall make a separate request to the peace officer on each
15 occasion when the peace officer's assistance in dealing with a
16 trespass is requested. However, a single request for a peace
17 officer's assistance may be made to cover a limited period of
18 time not to exceed 30 days and identified by specific dates,
19 during which there is a fire hazard or the owner, owner's agent or
20 person in lawful possession is absent from the premises or
21 property. In addition, a single request for a peace officer's
22 assistance may be made for a period not to exceed six months
23 when the premises or property is closed to the public and posted
24 as being closed. However, this subdivision shall not be applicable
25 to persons engaged in lawful labor union activities which are
26 permitted to be carried out on the property by the California
27 Agricultural Labor Relations Act, Part 3.5 (commencing with
28 Section 1140) of Division 2 of the Labor Code, or by the
29 National Labor Relations Act. For purposes of this section, land,
30 real property, or structures owned or operated by any housing
31 authority for tenants as defined under Section 34213.5 of the
32 Health and Safety Code constitutes property not open to the
33 general public; however, this subdivision shall not apply to
34 persons on the premises who are engaging in activities protected
35 by the California or United States Constitution, or to persons who
36 are on the premises at the request of a resident or management
37 and who are not loitering or otherwise suspected of violating or
38 actually violating any law or ordinance.

39 (p) Entering upon any lands declared closed to entry as
40 provided in Section 4256 of the Public Resources Code, if the

1 closed areas shall have been posted with notices declaring the
2 closure, at intervals not greater than one mile along the exterior
3 boundaries or along roads and trails passing through the lands.

4 (q) Refusing or failing to leave a public building of a public
5 agency during those hours of the day or night when the building
6 is regularly closed to the public upon being requested to do so by
7 a regularly employed guard, watchman, or custodian of the
8 public agency owning or maintaining the building or property, if
9 the surrounding circumstances would indicate to a reasonable
10 person that the person has no apparent lawful business to pursue.

11 (r) Knowingly skiing in an area or on a ski trail which is
12 closed to the public and which has signs posted indicating the
13 closure.

14 (s) Refusing or failing to leave a hotel or motel, where he or
15 she has obtained accommodations and has refused to pay for
16 those accommodations, upon request of the proprietor or
17 manager, and the occupancy is exempt, pursuant to subdivision
18 (b) of Section 1940 of the Civil Code, from Chapter 2
19 (commencing with Section 1940) of Title 5 of Part 4 of Division
20 3 of the Civil Code. For purposes of this subdivision, occupancy
21 at a hotel or motel for a continuous period of 30 days or less
22 shall, in the absence of a written agreement to the contrary, or
23 other written evidence of a periodic tenancy of indefinite
24 duration, be exempt from Chapter 2 (commencing with Section
25 1940) of Title 5 of Part 4 of Division 3 of the Civil Code.

26 (t) Entering upon private property, including contiguous land,
27 real property, or structures thereon belonging to the same owner,
28 whether or not generally open to the public, after having been
29 informed by a peace officer at the request of the owner, the
30 owner's agent, or the person in lawful possession, and upon
31 being informed by the peace officer that he or she is acting at the
32 request of the owner, the owner's agent, or the person in lawful
33 possession, that the property is not open to the particular person;
34 or refusing or failing to leave the property upon being asked to
35 leave the property in the manner provided in this subdivision.

36 This subdivision shall apply only to a person who has been
37 convicted of a violent felony, as specified in subdivision (c) of
38 Section 667.5, committed upon the particular private property. A
39 single notification or request to the person as set forth above shall
40 be valid and enforceable under this subdivision unless and until

rescinded by the owner, the owner's agent, or the person in lawful possession of the property.

(u) (1) Knowingly entering, by an unauthorized person, upon any airport *or passenger vessel terminal* operations area if the area has been posted with notices restricting access to authorized personnel only and the postings occur not greater than every 150 feet along the exterior boundary, *to the extent, in the case of a passenger vessel terminal, as defined in subparagraph (B) of paragraph (3), that the exterior boundary extends shoreside. To the extent that the exterior boundary of a passenger vessel terminal operations area extends waterside, this prohibition shall apply if notices have been posted in a manner consistent with the requirements for the shoreside exterior boundary, or in any other manner approved by the captain of the port.*

(2) Any person convicted of a violation of paragraph (1) shall be punished as follows:

(A) By a fine not exceeding one hundred dollars (\$100).

(B) By imprisonment in the county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or both, if the person refuses to leave the ~~airport operations area~~ *or passenger vessel terminal* after being requested to leave by a peace officer or authorized personnel.

(C) By imprisonment in the county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or both, for a second or subsequent offense.

(3) As used in this subdivision the following definitions shall control:

(A) "Airport operations area" means that part of the airport used by aircraft for landing, taking off, surface maneuvering, loading and unloading, refueling, parking, or maintenance, where aircraft support vehicles and facilities exist, and which is not for public use or public vehicular traffic.

(B) "Passenger vessel terminal" *means only that portion of a harbor or port facility, as described in Section 105.105(a)(2) of Title 33 of the Code of Federal Regulations, with a secured area that regularly serves scheduled commuter or passenger operations. For the purposes of this section, "passenger vessel terminal" does not include any area designated a public access area pursuant to Section 105.106 of Title 33 of the Code of Federal Regulations.*

(C) “Authorized personnel” means any person who has a valid airport identification card issued by the airport operator or has a valid airline identification card recognized by the airport operator, or any person not in possession of an airport or airline identification card who is being escorted for legitimate purposes by a person with an airport or airline identification card. *“Authorized personnel” also means any person who has a valid port identification card issued by the harbor operator, or who has a valid company identification card issued by a commercial maritime enterprise recognized by the harbor operator, or any other person who is being escorted for legitimate purposes by a person with a valid port or qualifying company identification card.*

~~(C)~~

(D) “Airport” means any facility whose function is to support commercial aviation.

(v) (1) Except as permitted by federal law, intentionally avoiding submission to the screening and inspection of one’s person and accessible property in accordance with the procedures being applied to control access when entering or reentering a sterile area of an airport *or passenger vessel terminal*, as defined in Section 171.5.

(2) A violation of this subdivision that is responsible for the evacuation of an airport terminal *or passenger vessel terminal* and is responsible in any part for delays or cancellations of scheduled flights *or departures* is punishable by imprisonment of not more than one year in a county jail if the sterile area is posted with a statement providing reasonable notice that prosecution may result from a trespass described in this subdivision.

(w) Refusing or failing to leave a battered women’s shelter at any time after being requested to leave by a managing authority of the shelter.

(1) A person who is convicted of violating this subdivision shall be punished by imprisonment in a county jail for not more than one year.

(2) The court may order a defendant who is convicted of violating this subdivision to make restitution to a battered woman in an amount equal to the relocation expenses of the battered woman and her children if those expenses are incurred as a result of trespass by the defendant at a battered women’s shelter.

1 (x) (1) Knowingly entering or remaining in a neonatal unit,
2 maternity ward, or birthing center located in a hospital or clinic
3 without lawful business to pursue therein, if the area has been
4 posted so as to give reasonable notice restricting access to those
5 with lawful business to pursue therein and the surrounding
6 circumstances would indicate to a reasonable person that he or
7 she has no lawful business to pursue therein. Reasonable notice is
8 that which would give actual notice to a reasonable person, and is
9 posted, at a minimum, at each entrance into the area.

10 (2) Any person convicted of a violation of paragraph (1) shall
11 be punished as follows:

12 (A) As an infraction, by a fine not exceeding one hundred
13 dollars (\$100).

14 (B) By imprisonment in a county jail not exceeding one year,
15 or by a fine not exceeding one thousand dollars (\$1,000), or both,
16 if the person refuses to leave the posted area after being
17 requested to leave by a peace officer or other authorized person.

18 (C) By imprisonment in a county jail not exceeding one year,
19 or by a fine not exceeding two thousand dollars (\$2,000), or both,
20 for a second or subsequent offense.

21 (D) If probation is granted or the execution or imposition of
22 sentencing is suspended for any person convicted under this
23 subdivision, it shall be a condition of probation that the person
24 participate in counseling, as designated by the court, unless the
25 court finds good cause not to impose this requirement. The court
26 shall require the person to pay for this counseling, if ordered,
27 unless good cause not to pay is shown.

28 (y) *Except as permitted by federal law, intentionally avoiding*
29 *submission to the screening and inspection of one's person and*
30 *accessible property in accordance with the procedures being*
31 *applied to control access when entering or reentering a*
32 *courthouse or a city, county, city and county, or state building if*
33 *entrances to the courthouse or the city, county, city and county,*
34 *or state building have been posted with a statement providing*
35 *reasonable notice that prosecution may result from a trespass*
36 *described in this subdivision.*

37 SEC. 4. Section 602 of the Penal Code is amended to read:

38 602. Except as provided in paragraph (2) of subdivision (v),
39 subdivision (x), and Section 602.8, every person who willfully

1 commits a trespass by any of the following acts is guilty of a
2 misdemeanor:

3 (a) Cutting down, destroying, or injuring any kind of wood or
4 timber standing or growing upon the lands of another.

5 (b) Carrying away any kind of wood or timber lying on those
6 lands.

7 (c) Maliciously injuring or severing from the freehold of
8 another anything attached to it, or its produce.

9 (d) Digging, taking, or carrying away from any lot situated
10 within the limits of any incorporated city, without the license of
11 the owner or legal occupant, any earth, soil, or stone.

12 (e) Digging, taking, or carrying away from land in any city or
13 town laid down on the map or plan of the city, or otherwise
14 recognized or established as a street, alley, avenue, or park,
15 without the license of the proper authorities, any earth, soil, or
16 stone.

17 (f) Maliciously tearing down, damaging, mutilating, or
18 destroying any sign, signboard, or notice placed upon, or affixed
19 to, any property belonging to the state, or to any city, county, city
20 and county, town or village, or upon any property of any person,
21 by the state or by an automobile association, which sign,
22 signboard or notice is intended to indicate or designate a road, or
23 a highway, or is intended to direct travelers from one point to
24 another, or relates to fires, fire control, or any other matter
25 involving the protection of the property, or putting up, affixing,
26 fastening, printing, or painting upon any property belonging to
27 the state, or to any city, county, town, or village, or dedicated to
28 the public, or upon any property of any person, without license
29 from the owner, any notice, advertisement, or designation of, or
30 any name for any commodity, whether for sale or otherwise, or
31 any picture, sign, or device intended to call attention to it.

32 (g) Entering upon any lands owned by any other person
33 whereon oysters or other shellfish are planted or growing; or
34 injuring, gathering, or carrying away any oysters or other
35 shellfish planted, growing, or on any of those lands, whether
36 covered by water or not, without the license of the owner or legal
37 occupant; or damaging, destroying, or removing, or causing to be
38 removed, damaged, or destroyed, any stakes, marks, fences, or
39 signs intended to designate the boundaries and limits of any of
40 those lands.

1 (h) (1) Entering upon lands or buildings owned by any other
2 person without the license of the owner or legal occupant, where
3 signs forbidding trespass are displayed, and whereon cattle,
4 goats, pigs, sheep, fowl, or any other animal is being raised, bred,
5 fed, or held for the purpose of food for human consumption; or
6 injuring, gathering, or carrying away any animal being housed on
7 any of those lands, without the license of the owner or legal
8 occupant; or damaging, destroying, or removing, or causing to be
9 removed, damaged, or destroyed, any stakes, marks, fences, or
10 signs intended to designate the boundaries and limits of any of
11 those lands.

12 (2) In order for there to be a violation of this subdivision, the
13 trespass signs under paragraph (1) must be displayed at intervals
14 not less than three per mile along all exterior boundaries and at
15 all roads and trails entering the land.

16 (3) This subdivision shall not be construed to preclude
17 prosecution or punishment under any other provision of law,
18 including, but not limited to, grand theft or any provision that
19 provides for a greater penalty or longer term of imprisonment.

20 (i) Willfully opening, tearing down, or otherwise destroying
21 any fence on the enclosed land of another, or opening any gate,
22 bar, or fence of another and willfully leaving it open without the
23 written permission of the owner, or maliciously tearing down,
24 mutilating, or destroying any sign, signboard, or other notice
25 forbidding shooting on private property.

26 (j) Building fires upon any lands owned by another where
27 signs forbidding trespass are displayed at intervals not greater
28 than one mile along the exterior boundaries and at all roads and
29 trails entering the lands, without first having obtained written
30 permission from the owner of the lands or the owner's agent, or
31 the person in lawful possession.

32 (k) Entering any lands, whether unenclosed or enclosed by
33 fence, for the purpose of injuring any property or property rights
34 or with the intention of interfering with, obstructing, or injuring
35 any lawful business or occupation carried on by the owner of the
36 land, the owner's agent or by the person in lawful possession.

37 (l) Entering any lands under cultivation or enclosed by fence,
38 belonging to, or occupied by, another, or entering upon
39 uncultivated or unenclosed lands where signs forbidding trespass
40 are displayed at intervals not less than three to the mile along all

1 exterior boundaries and at all roads and trails entering the lands
2 without the written permission of the owner of the land, the
3 owner's agent or of the person in lawful possession, and
4 (1) Refusing or failing to leave the lands immediately upon
5 being requested by the owner of the land, the owner's agent or by
6 the person in lawful possession to leave the lands, or
7 (2) Tearing down, mutilating, or destroying any sign,
8 signboard, or notice forbidding trespass or hunting on the lands,
9 or
10 (3) Removing, injuring, unlocking, or tampering with any lock
11 on any gate on or leading into the lands, or
12 (4) Discharging any firearm.
13 (m) Entering and occupying real property or structures of any
14 kind without the consent of the owner, the owner's agent, or the
15 person in lawful possession.
16 (n) Driving any vehicle, as defined in Section 670 of the
17 Vehicle Code, upon real property belonging to, or lawfully
18 occupied by, another and known not to be open to the general
19 public, without the consent of the owner, the owner's agent, or
20 the person in lawful possession. This subdivision shall not apply
21 to any person described in Section 22350 of the Business and
22 Professions Code who is making a lawful service of process,
23 provided that upon exiting the vehicle, the person proceeds
24 immediately to attempt the service of process, and leaves
25 immediately upon completing the service of process or upon the
26 request of the owner, the owner's agent, or the person in lawful
27 possession.
28 (o) Refusing or failing to leave land, real property, or
29 structures belonging to or lawfully occupied by another and not
30 open to the general public, upon being requested to leave by (1) a
31 peace officer at the request of the owner, the owner's agent, or
32 the person in lawful possession, and upon being informed by the
33 peace officer that he or she is acting at the request of the owner,
34 the owner's agent, or the person in lawful possession, or (2) the
35 owner, the owner's agent, or the person in lawful possession. The
36 owner, the owner's agent, or the person in lawful possession
37 shall make a separate request to the peace officer on each
38 occasion when the peace officer's assistance in dealing with a
39 trespass is requested. However, a single request for a peace
40 officer's assistance may be made to cover a limited period of

time not to exceed 30 days and identified by specific dates, during which there is a fire hazard or the owner, owner's agent or person in lawful possession is absent from the premises or property. In addition, a single request for a peace officer's assistance may be made for a period not to exceed six months when the premises or property is closed to the public and posted as being closed. However, this subdivision shall not be applicable to persons engaged in lawful labor union activities which are permitted to be carried out on the property by the California Agricultural Labor Relations Act, Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code, or by the National Labor Relations Act, *or to persons entering property pursuant to Section 1942.6 of the Civil Code*. For purposes of this section, land, real property, or structures owned or operated by any housing authority for tenants as defined under Section 34213.5 of the Health and Safety Code constitutes property not open to the general public; however, this subdivision shall not apply to persons on the premises who are engaging in activities protected by the California or United States Constitution, or to persons who are on the premises at the request of a resident or management and who are not loitering or otherwise suspected of violating or actually violating any law or ordinance.

(p) Entering upon any lands declared closed to entry as provided in Section 4256 of the Public Resources Code, if the closed areas shall have been posted with notices declaring the closure, at intervals not greater than one mile along the exterior boundaries or along roads and trails passing through the lands.

(q) Refusing or failing to leave a public building of a public agency during those hours of the day or night when the building is regularly closed to the public upon being requested to do so by a regularly employed guard, watchman, or custodian of the public agency owning or maintaining the building or property, if the surrounding circumstances would indicate to a reasonable person that the person has no apparent lawful business to pursue.

(r) Knowingly skiing in an area or on a ski trail which is closed to the public and which has signs posted indicating the closure.

(s) Refusing or failing to leave a hotel or motel, where he or she has obtained accommodations and has refused to pay for those accommodations, upon request of the proprietor or

1 manager, and the occupancy is exempt, pursuant to subdivision
2 (b) of Section 1940 of the Civil Code, from Chapter 2
3 (commencing with Section 1940) of Title 5 of Part 4 of Division
4 3 of the Civil Code. For purposes of this subdivision, occupancy
5 at a hotel or motel for a continuous period of 30 days or less
6 shall, in the absence of a written agreement to the contrary, or
7 other written evidence of a periodic tenancy of indefinite
8 duration, be exempt from Chapter 2 (commencing with Section
9 1940) of Title 5 of Part 4 of Division 3 of the Civil Code.

10 (t) Entering upon private property, including contiguous land,
11 real property, or structures thereon belonging to the same owner,
12 whether or not generally open to the public, after having been
13 informed by a peace officer at the request of the owner, the
14 owner's agent, or the person in lawful possession, and upon
15 being informed by the peace officer that he or she is acting at the
16 request of the owner, the owner's agent, or the person in lawful
17 possession, that the property is not open to the particular person;
18 or refusing or failing to leave the property upon being asked to
19 leave the property in the manner provided in this subdivision.

20 This subdivision shall apply only to a person who has been
21 convicted of a violent felony, as specified in subdivision (c) of
22 Section 667.5, committed upon the particular private property. A
23 single notification or request to the person as set forth above shall
24 be valid and enforceable under this subdivision unless and until
25 rescinded by the owner, the owner's agent, or the person in
26 lawful possession of the property.

27 (u) (1) Knowingly entering, by an unauthorized person, upon
28 any airport *or passenger vessel terminal* operations area if the
29 area has been posted with notices restricting access to authorized
30 personnel only and the postings occur not greater than every 150
31 feet along the exterior boundary, *to the extent, in the case of a*
32 *passenger vessel terminal, as defined in subparagraph (B) of*
33 *paragraph (3), that the exterior boundary extends shoreside. To*
34 *the extent that the exterior boundary of a passenger vessel*
35 *terminal operations area extends waterside, this prohibition shall*
36 *apply if notices have been posted in a manner consistent with the*
37 *requirements for the shoreside exterior boundary, or in any other*
38 *manner approved by the captain of the port.*

39 (2) Any person convicted of a violation of paragraph (1) shall
40 be punished as follows:

1 (A) By a fine not exceeding one hundred dollars (\$100).

2 (B) By imprisonment in the county jail not exceeding six
3 months, or by a fine not exceeding one thousand dollars (\$1,000),
4 or both, if the person refuses to leave the airport ~~operations area~~
5 *or passenger vessel terminal* after being requested to leave by a
6 peace officer or authorized personnel.

7 (C) By imprisonment in the county jail not exceeding six
8 months, or by a fine not exceeding one thousand dollars (\$1,000),
9 or both, for a second or subsequent offense.

10 (3) As used in this subdivision the following definitions shall
11 control:

12 (A) “Airport operations area” means that part of the airport
13 used by aircraft for landing, taking off, surface maneuvering,
14 loading and unloading, refueling, parking, or maintenance, where
15 aircraft support vehicles and facilities exist, and which is not for
16 public use or public vehicular traffic.

17 (B) “*Passenger vessel terminal*” means only that portion of a
18 harbor or port facility, as described in Section 105.105(a)(2) of
19 Title 33 of the Code of Federal Regulations, with a secured area
20 that regularly serves scheduled commuter or passenger
21 operations. For the purposes of this section, “passenger vessel
22 terminal” does not include any area designated a public access
23 area pursuant to Section 105.106 of Title 33 of the Code of
24 Federal Regulations.

25 (C) “Authorized personnel” means any person who has a valid
26 airport identification card issued by the airport operator or has a
27 valid airline identification card recognized by the airport
28 operator, or any person not in possession of an airport or airline
29 identification card who is being escorted for legitimate purposes
30 by a person with an airport or airline identification card.
31 “*Authorized personnel*” also means any person who has a valid
32 port identification card issued by the harbor operator, or who
33 has a valid company identification card issued by a commercial
34 maritime enterprise recognized by the harbor operator, or any
35 other person who is being escorted for legitimate purposes by a
36 person with a valid port or qualifying company identification
37 card.

38 (E)

39 (D) “Airport” means any facility whose function is to support
40 commercial aviation.

(v) (1) Except as permitted by federal law, intentionally avoiding submission to the screening and inspection of one's person and accessible property in accordance with the procedures being applied to control access when entering or reentering a sterile area of an airport *or passenger vessel terminal*, as defined in Section 171.5.

(2) A violation of this subdivision that is responsible for the evacuation of an airport terminal *or passenger vessel terminal* and is responsible in any part for delays or cancellations of scheduled flights *or departures* is punishable by imprisonment of not more than one year in a county jail if the sterile area is posted with a statement providing reasonable notice that prosecution may result from a trespass described in this subdivision.

(w) Refusing or failing to leave a battered women's shelter at any time after being requested to leave by a managing authority of the shelter.

(1) A person who is convicted of violating this subdivision shall be punished by imprisonment in a county jail for not more than one year.

(2) The court may order a defendant who is convicted of violating this subdivision to make restitution to a battered woman in an amount equal to the relocation expenses of the battered woman and her children if those expenses are incurred as a result of trespass by the defendant at a battered women's shelter.

(x) (1) Knowingly entering or remaining in a neonatal unit, maternity ward, or birthing center located in a hospital or clinic without lawful business to pursue therein, if the area has been posted so as to give reasonable notice restricting access to those with lawful business to pursue therein and the surrounding circumstances would indicate to a reasonable person that he or she has no lawful business to pursue therein. Reasonable notice is that which would give actual notice to a reasonable person, and is posted, at a minimum, at each entrance into the area.

(2) Any person convicted of a violation of paragraph (1) shall be punished as follows:

(A) As an infraction, by a fine not exceeding one hundred dollars (\$100).

(B) By imprisonment in a county jail not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or both,

1 if the person refuses to leave the posted area after being
2 requested to leave by a peace officer or other authorized person.

3 (C) By imprisonment in a county jail not exceeding one year,
4 or by a fine not exceeding two thousand dollars (\$2,000), or both,
5 for a second or subsequent offense.

6 (D) If probation is granted or the execution or imposition of
7 sentencing is suspended for any person convicted under this
8 subdivision, it shall be a condition of probation that the person
9 participate in counseling, as designated by the court, unless the
10 court finds good cause not to impose this requirement. The court
11 shall require the person to pay for this counseling, if ordered,
12 unless good cause not to pay is shown.

13 (y) *Except as permitted by federal law, intentionally avoiding*
14 *submission to the screening and inspection of one's person and*
15 *accessible property in accordance with the procedures being*
16 *applied to control access when entering or reentering a*
17 *courthouse or a city, county, city and county, or state building if*
18 *entrances to the courthouse or the city, county, city and county,*
19 *or state building have been posted with a statement providing*
20 *reasonable notice that prosecution may result from a trespass*
21 *described in this subdivision.*

22 SEC. 5. (a) *Section 2 of this bill incorporates amendments to*
23 *Section 602 of the Penal Code proposed by both this bill and SB*
24 *735. It shall only become operative if (1) both bills are enacted*
25 *and become effective on or before January 1, 2006, (2) each bill*
26 *amends Section 602 of the Penal Code, and (3) AB 280 is not*
27 *enacted or as enacted does not amend that section, and (4) this*
28 *bill is enacted after SB 735, in which case Sections 1, 3, and 4 of*
29 *this bill shall not become operative.*

30 (b) *Section 3 of this bill incorporates amendments to Section*
31 *602 of the Penal Code proposed by both this bill and AB 280. It*
32 *shall only become operative if (1) both bills are enacted and*
33 *become effective on or before January 1, 2006, (2) each bill*
34 *amends Section 602 of the Penal Code, (3) SB 735 is not enacted*
35 *or as enacted does not amend that section, and (4) this bill is*
36 *enacted after AB 280 in which case Sections 1, 2, and 4 of this*
37 *bill shall not become operative.*

38 (c) *Section 4 of this bill incorporates amendments to Section*
39 *602 of the Penal Code proposed by this bill, SB 735, and AB 280.*
40 *It shall only become operative if (1) all three bills are enacted*

1 *and become effective on or before January 1, 2006, (2) all three*
2 *bills amend Section 602 of the Penal Code, and (3) this bill is*
3 *enacted after SB 735 and AB 280, in which case Sections 1, 2,*
4 *and 3 of this bill shall not become operative.*

5 ~~SEC. 2.~~

6 *SEC. 6.* No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the
11 penalty for a crime or infraction, within the meaning of Section
12 17556 of the Government Code, or changes the definition of a
13 crime within the meaning of Section 6 of Article XIII B of the
14 California Constitution.